REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. Rejection of Claims 1-3, 8-11, 21, 22, 26-29, 35, and 36 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,379,251 (Auxier) and 5,848,412 (Rowland)

The rejection under 35 USC §103(a) is therefore respectfully traversed on the grounds that neither the Auxier patent nor the Rowland patent, *whether considered individually or in any reasonable combination*, discloses or suggests banner ads which **block** access to an address, service, or content, *i.e.*, to a web page *that was requested by the user* before *presentation of the banner advertisement*, unless an appropriate response to the ad is made by the user.

According to the Examiner "*Auxier discloses that the user knows what website they will be sent to (Fig. 4, item 410, Advertiser Name) and that a user can be prevented from being given access to* ***that requested website*** *if the user does not offer an appropriate reply*," page 17, paragraph 3 of the Official Action. **This statement by the Examiner indicates a misunderstanding of the meaning of "requested site," and of the nature of banner ads.** While Auxier might teach that a user is prevented from reaching the advertiser's site, the present invention actually prevents the user from reaching the site requested **before** the banner ad appeared. Preventing access to a site of a banner ad's sponsor, as in Auxier, is not the same as preventing access to a site that was requested by the user even **before** the ad appeared.

It is well known that when a web user requests a site, banner ads will appear. These ads may be associated with the requested site, or they might not. However, *they always send the user to a site different than the requested site.* The user may know what website they will be sent to if they click on the ad, but it is not the site that the user originally requested, the request for which caused the ad to appear in the first place. **The whole point of click-through ads is that they send the user to a site different than the originally requested site.** The Auxier patent concerns exactly this type of conventional click-through ad, with the difference that the user

might not be permitted to go to the sponsor of the ad's site if he or she responds incorrectly. This is not the same as being prevented from going back to the original requested site.

Basically, a banner ad works as follows:

1. User requests site A by typing in URL or clicking on hyperlink.
2. Banner ad appears.
3. If user clicks on banner ad, user is sent to site B of ad sponsor.
4. **If user does not click on banner ad, user proceeds to site A.**

This is true of the ads of Auxier as well as conventional banner ads. Auxier ads the twist that a user might be prevented from reaching site B if the response is incorrect. **However, the user is not prevented from reaching site A**, which corresponds to the "requested site." In contrast, according to the claimed invention:

1. User requests site A by typing in URL or clicking on hyperlink
2. Banner ad appears.
3. If user responds correctly, user can reach **site A.**
4. If user does not respond correctly, the user cannot reach site A.

The key to the invention is that the banner ad appears when the user requests a site (site A), and prevents the user from accessing site A. Normally banner ads always send a user to another site than the one requested before the banner ad appeared.

While it is believed that this was clearly recited in the original claims, the claims have nevertheless been amended to avoid further confusion on the part of the Examiner. Since the Auxier patent does not disclose utilizing an advertisement that requires an appropriate use interaction or reply before a user is allowed to access a **requested site**, defined as the site which the user intended to visit before the ad appeared, and since the Rowland patent does not disclose any sort of banner advertisement corresponding to the claimed banner advertisement, the proposed combination of references could not have suggested the claimed access-blocking banner advertisement. Withdrawal of the rejection of claims 1-3, 8-11, 21, 22, 26-29, 35, and 36 is accordingly respectfully requested.

2. Rejection of Claims 7 and 25 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,379,251 (Auxier), 5,848,412 (Rowland), and 6,286,045 (Griffiths)

This rejection is again respectfully traversed on the grounds that the Griffiths patent, like the Auxier patent, fails to disclose or suggest an interactive banner ad that blocks access to a requested website unless an appropriate response is made by the user, as opposed to merely seeking to entice a viewer to click through to a third party provider.

Instead, the Griffiths patent discloses a system for managing "banner ads," defined as "*any information displayed in conjunction with a web page wherein the information is not part of the same file as the web page*," by using a proxy server that enables an accurate count of the number of the times the ad has been presented, no matter what the source, and even if the ad is locally cached. Nowhere does the Griffiths patent disclose or suggest that the banner ads are presented in such a way that failure to respond to or interact with the ad will block access to a service, content, or address requested by the user.

Accordingly, withdrawal of the rejection of claims 7 and 25 under 35 USC §103(a) is requested.

3. Rejection of Claims 4-6, 12-15, 19, 20, 23, 24, 30, 31, 32, 37-39, and 42-49 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,379,251 (Auxier), 5,848,412 (Rowland) and 6,011,537 (Slotznick)

This rejection is respectfully traversed on the grounds that the Slotznick patent, like the Auxier and Rowland patents, fails to disclose or suggest an interactive banner ad that blocks access to a requested website unless an appropriate response is made by the user, as opposed to merely seeking to entice a viewer to click through to a third party provider.

The Slotznick patent merely discloses the well-known technique of presenting a banner ad when a user request access to content over a network. If the user fails to interact with the banner ad, the user is clearly not prevented from accessing the requested content. Neither the

Auxier patent, the Rowland patent, nor the Slotznick patent discloses or suggest permitting access to the requested content ***only if*** the user interacts with the banner ad, as claimed.

Accordingly, withdrawal of the rejection of claims 4-6, 12-15, 19, 20, 23, 24, 30, 31, 32, 37-39, and 42-49 under 35 USC §103(a) is requested.

4. Rejection of Claims 16-18, 33, 34, 40, and 41 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,379,251 (Auxier), 5,848,412 (Rowland), 6,011,537 (Slotznick) and 6,011,537 (Eggleston)

This rejection is respectfully traversed on the grounds that the Eggleston patent, like the Slotznick, Rowland, and Auxier patents, fails to disclose or suggest an interactive banner ad that permits access to a requested website "only if" the user interacts with the banner ad, as opposed to merely seeking to entice a viewer to click through to a third party provider.

Instead, the Eggleston patent merely discloses an incentive system that provides rewards in the form of credits for viewing advertisements. The user is not required to interact with any particular ad in order to access a requested content. Furthermore, according to one aspect of the method of the claimed invention, the user is rewarded for accumulating credits by **not** having to view the banner ad in order to access the requested content, and according to another aspect of the claimed invention, the credits are applied to a subscription of the content requested. The incentive of **not** having to view banner ads or of reducing subscription costs for content accessed upon interaction with a banner ad is not even remotely suggested by the Eggleston, Slotznick, Rowland, and Auxier patents, *whether considered individually or in any reasonable combination.*

Accordingly, withdrawal of the rejection of claims 16-18, 33, 34, 40, and 41 under 35 USC §103(a) is requested.

Having thus overcome each of the rejections made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,

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